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Comments: Comment on Draft Environmental Assessment - Winter Park Resort Projects (March 2025)

Dear NEPA Coordinator,

Subject: Apparent Procedural Deficiencies Relative to NEPA and USFS Regulations

The Draft Environmental Assessment (EA) for the Winter Park Resort Projects, dated March 2025, appears to fall short of several key procedural expectations outlined under the Forest Service's NEPA regulations (36 CFR §220.7) and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR §§1501.5, 1502.14, and 1508.1).

Most notably, the EA does not appear to include a No Action Alternative, nor does it appear to evaluate any range of reasonable alternatives to the Proposed Action. A full review of the Draft EA reveals that the words "No Action" do not appear anywhere in the document-neither as a defined alternative nor even in passing reference. This strongly suggests that the omission is not one of insufficient detail, but of complete exclusion. As the No Action Alternative serves as the legally required baseline for comparison under NEPA, its absence deprives both the public and the responsible official of an essential decision-making tool. If this interpretation is correct, such omissions would appear to be inconsistent with 36 CFR §220.7(b)(2)(ii), which specifies that an environmental assessment should include a comparison of the proposed action with reasonable alternatives-including the No Action Alternative.

While this is an Environmental Assessment and not an Environmental Impact Statement (EIS), it is important to note that the requirement to evaluate alternatives is not exclusive to the EIS level. Forest Service NEPA regulations make clear that EAs must still include a discussion of alternatives to the extent necessary to inform the decision, and this includes, at a minimum, a No Action Alternative. If an alternative comparison exists elsewhere in the administrative record or was scoped out for documented reasons, that clarification would be appreciated.

Additionally, although Chapter 3 of the EA states that it evaluates "context, duration, intensity, and type of impact," there does not appear to be a consistent or clearly defined discussion of intensity as that term is understood within NEPA. Terms such as "low effects" or "nominal cumulative impact" are presented without supporting thresholds, data, or a clear explanation of how such determinations were reached. If an intensity framework was applied, its methodology and criteria do not appear to be transparent or consistently conveyed in the document. This weakens the clarity and rigor of the impact analysis and may limit the decisionmaker's ability to distinguish between marginal, moderate, or substantial impacts across project components.

Furthermore, the EA does not appear to include a centralized or reproducible methodology section that outlines how significance was determined, how assumptions were handled, or how impact determinations were made. While individual resource sections contain narrative summaries, there is no cross-cutting framework or common analytical structure across topics such as wildlife, cultural resources, or soils. If this methodology is included in a technical appendix or supplemental file, referencing it more explicitly within the EA would improve accessibility and enhance confidence in the review process. This aligns with CEQ's guidance emphasizing transparency, reproducibility, and accessibility in environmental reviews, particularly where potential public controversy or irreversible impacts may be involved.

The Forest Service correctly acknowledges in the EA that the proposed removal of the Looking Glass chairlift constitutes an adverse effect under Section 106. What is missing, however, is a clear explanation of how this acknowledged cultural loss is weighed in the NEPA analysis of environmental significance. Simply referencing Section 106 compliance or a forthcoming MOA does not fulfill NEPA's independent obligation to evaluate historic and cultural impacts as part of the broader environmental review. The chairlift in question is a rare and intact Riblet design-an increasingly uncommon example of early ski infrastructure in Colorado. Ignoring its potential significance under NEPA while negotiating mitigation under Section 106 creates a procedural and analytical gap. That gap could result in a Finding of No Significant Impact that fails to fully reflect the cultural consequences of the project, especially in a region where cumulative historic loss is already a concern. The Forest Service should

not treat the NEPA and Section 106 processes as parallel silos; integration is both expected and required. It is also worth noting that while future CEQ rulemakings have been proposed under the new administration, this EA was initiated and developed under the NEPA framework in effect during the Biden administration. As such, the governing standards remain those reflected in the 2020 CEQ NEPA regulations, including revisions adopted in 2022 and 2023, which continued to emphasize the central role of alternatives, scientific integrity, and meaningful public involvement. NEPA does not bend retroactively-any subsequent regulatory changes do not alter the procedural requirements in place when the environmental review was initiated. As a result, this EA should be evaluated for completeness and sufficiency under the standards that governed its development. While cumulative impacts are addressed in Chapter 3, this discussion may be inherently constrained by the absence of alternatives. Without differing development scenarios or the inclusion of a No Action baseline, the cumulative effects analysis-though well-intentioned-may not fully reflect the range of environmental trajectories the landscape could experience under different decisions.

It is also understood that several technical specialist reports exist in support of the Draft EA, including-but not necessarily limited to-the Botany Survey, Wildlife and Fisheries Biological Assessment, Botany Biological Evaluation, Aquatic Resource Delineation Report, Wildlife Biological Evaluation, and previously referenced Cultural Resources Survey. These documents, while valuable, do not substitute for the requirement that the EA itself provide a comparative analysis of a reasonable range of alternatives, including a clearly defined No Action Alternative.

It is also noted that while the word "alternative" does appear occasionally in the EA-for example, in phrases such as "alternative transportation"-these references are unrelated to NEPA's mandate for evaluating decision-making options. As such, these isolated uses of the term do not constitute, nor should they be construed as fulfilling, the requirement to present alternatives to the Proposed Action.

Given the location's ecological, recreational, and cultural importance-including proximity to historic areas and districts, long-used Indigenous landscapes, and high-elevation ecosystems-this project warrants both procedural care and public transparency. If foundational elements such as a No Action Alternative, intensity thresholds, or evaluative methodology are absent, the EA may not meet NEPA's standards for informed analysis and public understanding. If these components are included elsewhere in the record but were not immediately evident in the main body of the EA, clarification would be welcomed and helpful.

To address these concerns and improve both procedural alignment and public confidence, it is respectfully recommended that the EA be revised to clearly include and evaluate a No Action Alternative, along with a reasonable range of alternatives; provide a comparative analysis of environmental consequences across all alternatives; define and apply intensity ratings using an explicit, consistently applied framework; and clearly disclose the methods, assumptions, data sources, and criteria used throughout the analysis.

If any of the above elements are already part of the administrative record but not apparent in the draft EA, highlighting them or making them more accessible would be greatly appreciated. Doing so would strengthen the environmental review, improve transparency, and enhance the opportunity for meaningful public engagement. Ensuring these foundational elements are included and clearly communicated also supports the intent of NEPA's public participation provisions-allowing the public to engage meaningfully with the agency's analysis at a stage where input can still influence outcomes.

Additionally, several companion documents-such as the Biological Assessment, Cultural Resources Inventory, and other specialist reports-appear to expand upon the Draft EA's methodology and impact findings. While these supporting materials are valuable, a clear and direct cross-reference to them within the body of the EA would provide important clarity for reviewers. Making those connections more visible would not only enhance transparency but also ensure that critical information is accessible to the public and decisionmakers alike. These observations are offered in the spirit of constructive review while the document is still in draft form. Addressing them prior to the issuance of a final EA would improve not only procedural compliance but also stakeholder understanding and trust in the decision-making process.

Grand County Historical Association